

REMARKS

Under this Amendment applicant has cancelled Claims 1 to 6 and 8 to 11 without prejudice to the subject matter therein, has rewritten Claim 7 in independent form, and has corrected Claims 7 and 12 to remove any ambiguities therein.

Firstly, applicant's counsel would like to note for the record that the Examiner's last Office Action of March 6, 2003, has been made final and yet all the substantive rejections in the prior Office Action of July 17, 2002, by a different Examiner have been reversed or withdrawn and replaced in the latest Office Action made final with rejections of the Claims over the cited for the first time Sasamoto, et al., U.S. Patent No. 5,348,302, and the cited for the first time Mack, U.S. Patent No. 5,505,453,

Since these new rejections were not the result of any amendments made by applicant to the Claims, but rather new views from a different Examiner, the finality of the Office Action of March 6, 2003, is believed improper. O disagree

In any event, rather than filing a Petition to the Commissioner on this ground, and since Claims with appropriate scope have been presented in the parent applica-

tion; namely, United States patent application, U.S. Serial No. 09/614,107, Filed: July 12, 2000, Claims 1 to 6 and 8 to 11 have been cancelled without prejudice to the subject matter therein, leaving only Claims 7 and 12, which have been indicated as being allowable in the last Office Action conditioned upon the removal of indefiniteness and the rewriting of Claim 7 in independent form. Since Claim 7 has been rewritten in independent form, and Claims 7 and 12 have been amended to remove any possible indefiniteness therein, and other informalities have been satisfied, this application is now believed in condition for allowance and a Petition is, in essence, unnecessary.

The drawings have been objected to because:

- "a. There is no line 7-7 in figure 1 as stated on page 16 line 23.
- b. Figure 13 shows line 111-111 instead of line 11-11 as stated on page 17 line 21.
- c. Figure 20 shows line 11-113 instead of line 13-13 as stated on page 17, line 25."

These objections have been satisfied by amending pages 16 and 17 to reflect the appropriate section numbers.

The drawings have been objected to because the reference character 60 has been used for separate elements in Figs. 3 and 6. Applicant has submitted herewith a

Proposed Drawing Correction changing the reference numeral 60 to 60a in Fig. 6, and with the approval of this change, applicant will formally correct the drawings.

The above drawing correction is also believed to eliminate the objection to the disclosure based upon reference numeral 60 referring to two parts.

Also, applicant had submitted a Proposed Drawing Correction along with the Amendment filed January 21, 2003, but there is no mention of this Drawing Correction, either positively or negatively, in the most recent Office Action of March 6, 2003.

Claims 1 to 4 and 6 to 12 have been rejected under 35 USC 112 for the following reasons:

"Claims 1-4 and 6-12 stand rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The statement 'engaging/engagement...the rear surface' in claims 1-3, 8-10 and 12 is indefinite since there are two different described engagement conditions in the specification. One is where in a static condition the unit cellular structure is positioned in continuous engagement with the rear surface of the wall (Page 11, Lines 4-6) or the other when the cellular network is slightly spaced from the rear surface of the face wall but will engage if the face wall deflects enough (Page 11 Lns. 18-24). It is uncertain what condition is being discussed in these claims (i.e. static condition, dynamic condition (during impact))."

This objection has been corrected by cancelling the phrase "either engagement or near" with "adjacent" in the Claims so that this objection is now believed obviated.

The rejections over the Mack, U.S. Patent No. 5,505,453, and the Sasamoto, et al., U.S. Patent No. 5,348,302, is believed obviated in view of the above amendments as well as the rejections of Claim 4 under 35 USC 103(a) over Mack.